

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5381 of 2016

DATED 19TH FEBRUARY, 2016

BETWEEN

Chowduru Ramanjaneya Reddy

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Civil Supplies Department,
Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 5381 of 2016.

ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies appearing for the respondents.

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 31 of Thipparajupalli Village, Pendlimarri Mandal, YSR Kadapa District. Pursuant to the complaint made by the villagers, the Enforcement Deputy Tahsildar, Kadapa conducted an enquiry and submitted a report dated 25.01.2016 and based on the said report, the second respondent by order dated 31.01.2016 suspended the authorization of the petitioner pending enquiry. Aggrieved by the same, the petitioner filed the

present Writ Petition.

A bare perusal of the impugned order dated 31.01.2016 reveals that there are variations in the stocks. In the said order, the second respondent also alleged certain violations against the petitioner.

The learned Counsel for the petitioner submits that order dated 31.01.2016 is passed suspending the authorization of the petitioner pending enquiry, however, the second respondent made certain observations therein which are in the nature of imposing substantive penalty without issuing any show cause notice and without conducting any enquiry.

Inasmuch as the impugned order is only suspension pending enquiry, this Court is not inclined to go into the merits or otherwise of the allegations made against the petitioner. In that view of the matter, the petitioner is given liberty to submit his detailed explanation denying the allegations made against him within a period of two weeks from the date of receipt of a copy of this order and within four weeks thereafter the second respondent shall complete the enquiry and pass final orders after considering the explanation submitted by the petitioner in proper perspective and affording due opportunity of being heard to the petitioner. It is made clear that the second respondent shall pass orders uninfluenced by any of the observations made in the impugned order dated 31.01.2016. Further it is made clear that if the petitioner does not cooperate with the enquiry, the respondents are at liberty to pass final orders based on the enquiry report and material available on record. It is also made clear that if the respondents do not

complete the enquiry and pass final order as directed supra, the suspension of authorization of the petitioner shall stand revoked without reference to further orders from this Court.

Subject to the above, the Writ Petition is disposed of at the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 19TH February, 2016.
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